

Remarks

Claims 1-11 are retained substantially as they were issued in U. S. Patent 6,465,910, with the minor exception that claim 1 is currently amended to correct the minor typographical error that inadvertently placed parentheses about the word “to” in Col. 10, line 17 of the patent. Importantly, Claims 12-19 are added herewith to obviate the error of claiming less than the applicants’ had/have a right to claim.

New independent claim 12 is a broader claim than any of the independent claims 1, 9, and 11 that issued with the patent. It is a broadened version of claim 1 in that the phrase “comprising at least one fuel cell power plant (18)” at column 10, lines 10 and 11 of the patent has been omitted. This characteristic and limitation is deemed by Applicants to be non-essential and secondary to the issue of patentability of the invention in its broadest scope, and its inclusion in the broadest claim is/was in error and led to applicants claiming less than they were/are entitled to claim. Rather, the scope and patentability of the invention are determined by the dominant requirement(s) that there be first and second power sources, that the second power source be normally substantially continuously connected to a critical load, and particularly, that there be a static switch for selectively connecting and disconnecting the first power source to the second power source and to the critical load and a switch controller for controlling the state of the static switch to connect the first power source with the critical load and the second power source during normal operation of the first power source and to rapidly disconnect the first power source from the critical load and the second power source if and when operation of the first power source deviates beyond a limit from normal.

Although the example of the second power source described in the specification of the patent is/was in the context of one or more fuel cells or fuel cell power plants, it will be recognized that the invention is applicable to other comparable power sources that are DC power sources/generators connected through inverters to provide AC power to the critical load. For example, microturbines and the like may serve as the second power source “normally substantially continuously connected to a critical load” and requiring the high-speed mode switching capabilities of the invention to maintain “substantially continuous power to the critical load when the

first power source, e. g., utility grid, is disconnected from/reconnected to the critical load.

Accordingly, Applicants respectfully submit that they are entitled to a broader claim, such as new claim 12, as supported by the specification of the patent at col. 1, lines 5-7 and col. 3 lines 20-24 and 30-34. The invention is concerned with the provision of “a relatively economical and reliable power system for providing substantially uninterrupted electric power to one or more critical loads”, and is provided by first and second power sources connected to the critical loads in such a manner that the second power source is normally substantially continuously connected to the loads and a static switch and associated switch controller provides for rapidly disconnecting the first power source upon first power source deviations. New claim 12 is the same as patent claim 1, but for the absence of the second power source being characterized as comprising “at least one fuel cell power plant”.

New claims 13 and 14 each depend from new claim 12 and add the identical language/structure contained in patent claims 2 and 3, respectively.

New claim 15 depends from new claim 14 and adds the identical language/structure contained in patent claim 5.

New claim 16 depends from new claim 12 and adds language/structure similar to patent claim 6, except that it refers to the second power source generally, rather than to fuel cell(s) specifically, as including at least one power conditioning system (PCS) for controlling operation of the second power source in a grid connected mode or in a grid independent mode in response to mode control signals from the switch controller.

New claim 17 depends from new dependent claim 16 and adds language/structure similar to patent claim 7, except that it refers to the second power source generally, rather than to fuel cell(s) specifically.

New claim 18 depends from new claim 12 and adds language/structure similar to patent claim 8, except that it claims the rapid disconnection of the first power source from the second power source and critical load as occurring “within an interval of less than about 8.3 milliseconds”, as recited in patent claim 10.

New claim 19 depends from new dependent claim 18 and adds language/structure identical to patent claim 8.

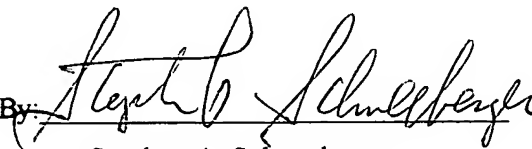
The errors set forth above were made without deceptive intent on the part of Applicants.

Entry of this Preliminary Amendment, examination of the reissue application, and an early notice of allowance of all of the claims is respectfully requested.

In compliance with 37 CFR 1.173(c), attached hereto is a Statement of Status and Support for All Changes to the Claims.

In the event issues exist or arise which the Examiner feels might be clarified or resolved by telephone, Applicants' attorney may be contacted at the number below.

Respectfully submitted,

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STATEMENT OF STATUS AND SUPPORT FOR ALL CHANGES TO
THE CLAIMS UNDER 37 CFR 1.173(C)

Claim 1 (amended) is pending. The parentheses () around the second instance of the word "to" in element c of claim 1 of the patent were an inadvertent typographical error and are deleted herewith.

Claims 2 through 11 are pending and unchanged.

Claim 12 is an added independent claim, and is pending. Support for this claim is found in the issued patent at col. 1, lines 5-7 and col. 3, lines 20-24 and 30-34.

Claim 13 is an added dependent claim, and is pending. Support for this claim is as for claim 12 above and in claim 2 of the patent.

Claim 14 is an added dependent claim, and is pending. Support for this claim is as for claim 12 above and in claim 4 of the patent.

Claim 15 is an added dependent claim, and is pending. Support for this claim is as for claim 12 above and in claim 5 of the patent.

Claim 16 is an added dependent claim, and is pending. Support for this claim is as for claim 12 above and in claim 6 of the patent.

Claim 17 is an added dependent claim, and is pending. Support for this claim is as for claim 12 above and in claim 7 of the patent.

Claim 18 is an added dependent claim, and is pending. Support for this claim is as for claim 12 above and in claims 8 and 10 of the patent.

Claim 19 is an added dependent claim, and is pending. Support for this claim is as for claim 12 above and in claim 8 of the patent.